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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,026	05/04/2001	Francois Jacobus Rossouw	P19153	8335

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EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,026

Applicant(s)

ROSSOUW, FRANCOIS JACOBUS

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Exemplary of such:

- ✓ Page 8, line 23, 'plastics' should be replaced with 'plastic'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

- ✓ Claims 26-29, line 1, 'An' should be replaced with 'The'.
- ✓ Claim 28, line 2, it is unclear as to what is meant by 'inverted channel shape'.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 25, 27, 29 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rinard.

Rinard discloses a support which is buoyant and floats on a surface of paint in a container (fig. 1, #2, col. 1, lines 32-37).

Rinard discloses at least opening in the support (fig. 1, #3).

Rinard discloses projections on the support to provide rotation of a roller (fig. 1, #4, col. 3, lines 3-7).

With respect to claim 27, Rinard discloses the support having a cellular nature (col. 2, lines 40-50).

With respect to claim 29, Rinard discloses the support having an axially directed flange (fig. 1, #7).

With respect to claim 31, Rinard discloses positioning a support having a fluid engagement means on a surface of paint and moving a roller along the fluid engagement means (figs. 2 and 4, col. 2, lines 3-11 and col. 3, lines 3-7).

6. Claims 25-28 and 30-31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rolin.

Rolin discloses a support which is buoyant and floats on a surface of paint in a container (fig. 1, #2, col. 1, lines 55-59).

Rolin discloses at least opening in the support (fig. 1).

Rolin discloses projections on the support to provide rotation of a roller (col. 3, lines 31-33 and col. 4, lines 25-28).

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With respect to claim 26, Rolin discloses the support having a ring with flexible arms (figs. 1-2, #4).

With respect to claim 27, Rolin discloses the support made from a material which has a buoyancy slightly higher than that of paint (col. 1, lines 65-68 and col. 2, lines 44-47).

With respect to claim 28, Rolin discloses the support having an inverted channel cross-section (col. 3, lines 52-55).

With respect to claim 30, Rolin discloses placement of the support within a paint container that includes a lid (col. 2, lines 48-56).

With respect to claim 31, Rolin discloses positioning a support having a fluid engagement means on a surface of paint and moving a roller along the fluid engagement means (col. 2, lines 57-64).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Rinard as applied to claim 25 above, and further in view of Rolin.

Rinard discloses a similar device however fails to disclose inclusion of the support within a container having a lid.

Rinard discloses placement of the support within a paint container (fig. 2, #9,2). Rolin discloses placement of a buoyant support for a roller within a paint container having a lid (col. 2, lines 48-56). It would have been obvious to one of ordinary skill in the art to provide the container with a lid of Rolin in Rinard to allow for ease in transport and storage.

Conclusion

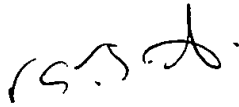
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kravitt and Brown disclose buoyant supports within a paint can. Graham et al. discloses a buoyant support within a paint container having a lid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Theresa T. Snider
Examiner
Art Unit 1744

TTS
June 4, 2003